

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12593

RICHARD ROSE,
an individual,
BRIONTE MCCORKLE,
an individual,
WANDA MOSLEY,
an individual,
JAMES MAJOR WOODALL,

Plaintiffs-Appellees,

versus

SECRETARY, STATE OF GEORGIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:20-cv-02921-SDG

Before BRANCH, GRANT, Circuit Judges, and SCHLESINGER,* District Judge.

BY THE COURT:

In its August 5, 2022, opinion and order, the district court permanently enjoined the Georgia Secretary of State “from administering any future elections for vacancies on the PSC using the statewide, at-large method; and from certifying the election of any PSC commissioner who is elected using such method.” The district court also enjoined the Secretary from preparing ballots for the November 8, 2022, election that included contests for Districts 2 and 3 of the Public Service Commission. Accordingly, the election did not go forward.¹

We issued our opinion reversing the district court’s order on November 24, 2023. We separately enter this order and stay the district court’s permanent injunction so that the Secretary may

* The Honorable Harvey Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

¹ Because the November 8, 2022, election has long passed, that part of the district court’s injunction is moot. See *United States v. Sec’y, Fla. Dep’t of Corr.*, 778 F.3d 1223, 1229 (11th Cir. 2015).

22-12593

Order of the Court

3

administer and certify PSC elections as provided under Georgia law.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

April 16, 2024

Jonathan Backer
DOJ-Crt
Appellate Section
PO BOX 14403 BEN FRANKLIN STATION MJB 3710
WASHINGTON, DC 20044-4403

Christopher Michael Carr
Georgia Department of Law
Attorney General's Office
40 CAPITOL SQUARE SW
ATLANTA, GA 30334

Erin H. Flynn
DOJ-Crt
Appellate Section
PO BOX 14403 BEN FRANKLIN STATION MJB 3710
3742
WASHINGTON, DC 20044-4403

Bryan Francis Jacoutot
Taylor English Duma LLP/The Election Law Group
1600 PARKWOOD CIR STE 200
ATLANTA, GA 30339

Diane Festin LaRoss
Taylor English Duma LLP/The Election Law Group
1600 PARKWOOD CIR STE 200
ATLANTA, GA 30339

Nicolas Martinez
Bartlit Beck, LLP
54 W HUBBARD ST STE 300
CHICAGO, IL 60654

Mrs. Charlene S. McGowan
Georgia Department of Law

Attorney General's Office
40 CAPITOL SQUARE SW
ATLANTA, GA 30334

Wesley A. Morrisette
Bartlit Beck, LLP
54 W HUBBARD ST STE 300
CHICAGO, IL 60654

Loree Anne Paradise
Taylor English Duma LLP/The Election Law Group
1600 PARKWOOD CIR STE 200
ATLANTA, GA 30339

Stephen John Petrany
Georgia Department of Law
Attorney General's Office
40 CAPITOL SQUARE SW
ATLANTA, GA 30334

Bryan L. Sells
Law Office of Bryan L. Sells, LLC
PO BOX 5493
ATLANTA, GA 31107-0493

Janie Allison (Jaye) Sitton
U.S. Attorney General's Office
950 PENNSYLVANIA AVE NW
WASHINGTON, DC 20530-0001

Jason Brett Torchinsky
Holtzman Vogel, PLLC
2300 N ST NW STE 643A
WASHINGTON, DC 20037

Bryan P. Tyson
Taylor English Duma LLP/The Election Law Group
1600 PARKWOOD CIR STE 200
ATLANTA, GA 30339

Appeal Number: 22-12593-JJ
Case Style: Richard Rose, et al v. Secretary, State of Georgia
District Court Docket No: 1:20-cv-02921-SDG

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action